

NAYS—Senators Allison, Baker, Burton, Dwyer, Flanagan, Friend, Joseph, Ledbetter, Randle and Stirman—10.

Senator Flanagan moved that the committee be required to report some time during the session.

On motion of Senator Swift, the committee was required to report to-morrow.

On motion of Senator Wood, the Senate reconsidered the vote adopting the resolution offered by Senator Russell, this morning, in regard to requesting the Governor to furnish the Senate information concerning the State's indebtedness.

On motion of Senator Wood, the resolution was referred to Committee on Finance.

Senator Dwyer, for Committee on Enrolled Bills, submitted the following report :

Hon. Jno. Ireland, President of the Senate :

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled, Senate bill No. 456, "An act to establish a Criminal Court in and for the cities of Jefferson, Marshall, Tyler and Palestine, and define the powers thereof." Also, Senate bill No. 641, "An act to carry into effect section twenty-four, of article five, of the constitution, by defining the offenses of non-feasance, mis-feasance and mal-feasance in office and providing penalties therefor." Also, Senate joint resolution No. 631, "Joint resolution requesting our Senators and Representatives in Congress to aid in securing the passage of a law for the relief of the heirs of L. R. Wortham, deceased," and presented the same to the Governor this day, at 11 o'clock A. M., for his approval.

DWYER, for Committee.

On motion of Senator Wood, the Senate adjourned until 10 o'clock A. M. to-morrow.

THIRTY-THIRD DAY.

SENATE CHAMBER, }
AUSTIN, February 18, 1875. }

Senate met pursuant to adjournment; roll called; quorum present. Prayer by the chaplain.

On motion of Senator Allison, the reading of the journal was dispensed with.

Senator Wood, for Judiciary Committee, submitted the following reports :

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 697, "An act to regulate and provide for the collection of fees by the clerk of the Supreme Court," have considered the same, and report the same back to your honorable body, with the accompanying amendment, and recommend that it do pass.

WOOD, for Committee.

Hon. John Ireland, President of the Senate :

Your Judiciary Committee, to whom was referred Senate bill No. 672. "An act to regulate the advertisement of sales of land made by sheriffs, constables and other officers," have considered the same, and instruct me to report the same back to your honorable body, and recommend that it do pass with the accompanying amendments.

WOOD, for Committee.

1st. Amend caption of the act by inserting in third line of same, after the word "land" the words "and personal property."

2d. Amend fourth section by striking out in the fourth line the words "per square;" and further amend this section by inserting after the word "insertion," in the fifth line, the words "for each ten lines of solid matter of nonpareil type;" and further amend said section by striking out of sixth line the words "per square," and insert instead thereof the following: "for each ten lines as above said;" and further amend said section by adding to the end of the same the following: "The plaintiff in the execution shall, if he chooses, designate the paper in which publication in the county is to be made, should there be more than one published in the county." Amend further by adding an additional section :

"Section —. Sales of personal property shall be advertised by written or printed notices, posted in at least three public places in the county, one of which shall be at the courthouse door, and one at the place of sale, and shall be posted at least ten days prior to the day of sale. Such notices shall state time and place of sale, with brief description of the property to be sold, and such sales shall be

made between the hours of ten o'clock A. M., and three o'clock P. M."

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 497, "An act to prevent and punish the institution of frivolous prosecutions," with a substitute, and recommend that the substitute do not pass. Wood, for Committee.

The title of the substitute referred to is: "An act to amend article 974a of the Code of Criminal Procedure," approved August 26, 1856; approved February 11, 1860.

Hon. John Ireland, President of the Senate :

Your Judiciary Committee ask leave to report back to your honorable body, Senate bill No. 693, "An act to regulate proceedings in the district court to escheat to the State the lands heretofore acquired in this State by non-residents, aliens, either by purchase, descent or otherwise," with the following amendment:

Amend by striking out the words "of the common school fund," on page five, last line, and recommend its passage as amended. Wood, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 622, "An act to repeal 'an act defining a further cause of continuance in civil cases,'" approved April 29, 1873, having considered the same, instruct me to report it back to your honorable body, and recommend that it do not pass. Wood, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 584, "An act to amend an act entitled 'an act to adopt and establish a Penal Code for the State of Texas,'" approved August 28th, A. D. 1856, have considered the same, and instruct me to report it back to your honorable body, and recommend that it do not pass.

Wood, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 610, "An act to detach certain territory therein named, from the county of Guadalupe, and to

attach the same to the county of Hays," having considered the same, instruct me to report said bill back to your honorable body, and recommend that it do not pass.

WOOD, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 589, "An act to amend the first section of an act entitled 'an act to reduce into one, and amend the several acts concerning executions,' " approved January 27, 1842, have considered the same, and instruct me to report said bill back to your honorable body, with the recommendation that it do not pass. WOOD, for Committee.

Hon. John Ireland, President of the Senate :

Your Judiciary Committee ask leave to report back to your honorable body, Senate bill No. 690, "An act to repeal article forty-one of an act entitled 'an act to establish a Code of Criminal Procedure for the State of Texas,' " approved August 26, 1857, and recommend that it do pass.

WOOD, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, House joint resolution No. 60, "Instructing and requesting our Congressional delegation to urge upon Congress the speedy passage of a law for the indemnity or reimbursement for the losses incurred by the theft of horses, mules and cattle, by the Comanche, Kiowa, Cheyenne and other Indians, in and near Fort Sill Reservation, and on the Rio Grande frontier," and recommend that it do pass.

WOOD, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary ask leave to report back to the Senate, House bill No. 748, "An act to authorize the county of Grayson to issue bonds," and recommend that it do pass.

WOOD, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary ask leave to report back to the Senate, House bill No. 591, "An act to amend the first section of an act entitled an act to amend the first section of an act to amend the fourth section of an act entitled

'an act regulating attachments,' " approved March 11, 1848; passed July 24, 1856; approved December 16, 1863; and recommend that it do not pass. Wood, for Committee.

A message was received from the House announcing the passage of Senate bill No. 592, "An act supplemental to and amendatory of 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' " approved August 10, 1870; approved March 5, 1871.

Senator Flanagan introduced a bill entitled "An act for the relief of Rusk county, and making an appropriation therefor." Read first time and referred to Finance Committee.

Senator Flanagan introduced a bill entitled "An act for the protection of poor persons in cases of writs of error." Read first time and referred to Judiciary Committee.

Senator Westfall introduced a bill entitled "An act to incorporate the Travis Rifles, of the city of Austin." Read first time and ordered to lie on the table.

Senator Dwyer introduced a bill entitled "An act to incorporate the San Antonio and Fredericksburg Narrow Gauge Railway Company." Read first time and referred to Committee on Internal Improvements.

Senator Wood introduced a bill entitled "An act to amend article 398 of the Penal Code." Read first time and referred to Judiciary Committee.

On motion of Senator Westfall, the rules were suspended and the bill introduced by him, entitled "An act to incorporate the Travis Rifles, of the city of Austin," was taken up and read second time.

On motion of Senator Hobby, the bill was referred to Committee on Militia.

On motion of Senator Russell, the rules were suspended, and the motion of Senator Erath to reconsider the vote by which the Senate refused to adopt the resolution providing for the "printing of five hundred copies of the Governor's message in the Spanish language." was considered, and the vote was reconsidered.

Senator Wood offered the following amendment:

Provided, The costs shall be regulated by the present prices of the law on the subject of public printing, and the accounts audited by the Board of Public Printing before paid.

Senator Dwyer offered the following as a substitute: "*Provided*, The cost of printing does not exceed \$150 for the five hundred copies."

The substitute being accepted, the question recurred on the passage of the substitute, and it was lost by the following vote:

YEAS—Senators Ball, Culberson, Craven, Dwyer, Ellis, Erath, Hobby, Ireland, Joseph, Ledbetter, Russell, Shepard and Swift—13.

NAYS—Senators Allison, Baker, Bradshaw, Burton, Dillard, Davenport, Flanagan, Friend, Morris, Parker, Stirman, Westfall and Wood—13.

The question then recurring on the passage of the resolution, it was passed by the following vote:

YEAS—Senators Ball, Culberson, Craven, Dwyer, Ellis, Erath, Hobby, Ireland, Joseph, Ledbetter, Russell, Shepard, Westfall and Wood—14.

NAYS—Senators Allison, Baker, Bradshaw, Burton, Dillard, Davenport, Flanagan, Friend, Morris, Parker, Stirman and Swift—12.

On motion of Senator Hobby, the rules were suspended, and Senate joint resolution No. 658, "To amend sections six and seven, of article five, and sections four, five and forty-six, of article twelve, of the constitution," was taken up and read first time.

Senator Wood offered the following amendment:

In section six, line five, after the word "years," add the following words, "and who shall, at the time of his election, be a qualified voter of his district, and." Adopted.

Senate bill No. 558, "An act to provide for funding certificates of public debt issued by the Auditorial Board," was taken up, read third time, and lost by the following vote

YEAS—Senators Ball, Baker, Craven, Davenport, Erath, Parker, Shepard and Wood—8.

NAYS—Senators Allison, Bradshaw, Burton, Culberson, Dillard, Dwyer, Ellis, Flanagan, Friend, Hobby, Joseph, Morris, Russell, Stirman, Swift and Westfall—16.

Senator Westfall, by leave, introduced a bill entitled "An act supplemental to and amendatory of an act entitled 'an act to incorporate the South Western University;' approved February 6, 1875." Read first time.

On motion of Senator Westfall, the rules were suspended, bill read second time and ordered engrossed.

On motion of Senator Westfall, the rules were further suspended, bill read third time and passed.

A message was received from the House, announcing the passage of Senate bill No. 616, "An act to incorporate the Red River and Rio Grande Railway Company, and to authorize the building of branches thereto, and to grant lands to aid in the construction thereof," with amendments by the House.

Senator Friend, for Committee on Engrossed Bills, submitted the following report :

Hon. John Ireland, President of the Senate :

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 31, "An act to amend the fourth section of 'an act better defining the marital rights of parties,'" passed the 13th of March, 1848. Senate bill No. 462, "An act to authorize the State Treasurer to appoint an additional clerk, and fix his salary." Senate bill No. 537, "An act to compensate and reward deputy sheriff T. T. Morris, of Collin county, for capturing the stage robber J. C. Reed." Senate bill No. 696, "An act to amend the second section of 'an act to reorganize the Seventh, Eighth and Eleventh Judicial Districts, and to fix the time of holding the courts therein.'"

FRIEND, for Committee.

On motion of Senator Allison, the rules were suspended, and Senate bill No. 640, "An act to encourage the settlement of our Indian frontier," was taken up; and the substitute reported by the Judiciary Committee was adopted; read second time and ordered engrossed.

On motion of Senator Wood, the rules were suspended, and the bill read third time and passed.

Senate bill No. 496, "An act to provide for the payment of the expense of transporting persons arrested under attachment as witnesses in criminal cases, from one county to another," was taken up, and adverse report on said bill by committee was read and adopted, and bill therefore lost.

On motion of Senator Shepard, the rules were suspended, and Senate bill No. 697, "An act to provide for and regulate the collection of fees by the clerk of the Supreme Court," was taken up and committee amendments adopted.

Senator Shepard offered the following amendment :

In section one, strike out "appeal bond," and insert

“recognizance.” Adopted. Also, in section one, strike out the words “five dollars,” and also the word “other,” in same section. Adopted.

On motion of Senator Wood, the rules were suspended, bill read third time and passed.

On motion of Senator Wood, the rules were suspended and Senate bill No. 532, “An act to amend section 2 of an act to prescribe the mode of adoption,” approved January 16, 1850; was taken up, read second time.

Senator Wood offered the following amendment, as an additional section: “Section 2. That this act take effect from and after its passage.” Adopted.

The bill, as amended, was then ordered engrossed.

On motion of Senator Wood, the rules were further suspended, bill read third time and passed.

On motion of Senator Shepard, the rules were suspended, and Senate bill No. 592, “An act concerning proceedings in district courts,” was taken up, read second time. pending an adverse report from the Judiciary Committee.

The report of the committee was adopted and bill lost by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Burton, Culberson, Craven, Dillard, Davenport, Hobby, Ireland, Joseph, Parker, Stirman, Swift and Wood—16.

NAYS—Senators Ellis, Flanagan, Friend, Ledbetter and Shepard—5.

On motion of Senator Flanagan, the rules were suspended, and Senate bill No. 686, “An act to amend section 63 of ‘an act prescribing the mode of proceeding in matters of probate,’” was taken up, read second time and ordered engrossed.

On motion of Senator Culberson, the rules were suspended, bill read third time, and passed.

On motion of Senator Allison, the rules were suspended, and House bill No. 675, “An act to authorize the county court of Collin county to issue bonds,” was taken up, and read second time.

Senator Wood offered the following amendment: Add to the end of section one the following words: “*Provided*, that the bonds authorized by this act shall not be sold for less than eighty-five cents on the dollar.” Adopted.

The bill as amended was then ordered engrossed.

On motion of Senator Allison, the rules were suspended bill read third time and passed.

Senator Ball gave notice that he would move a reconsideration of the vote, by which the Senate refused to pass Senate bill No. 459, "An act to incorporate the Guadalupe Cotton Manufactory."

On motion of Senator Hobby, the rules were suspended, and Senate bill No. 650, "An act to incorporate the Dallas and Southwestern Narrow Gauge Railroad Company, and to aid in the construction of said road," was taken up and read second time, pending amendments by the Committee on Internal Improvements.

The amendments of the committee were adopted, and bill, as amended, ordered engrossed.

On motion of Senator Culberson, the rules were suspended, bill read third time and passed by the following vote:

YEAS—Senators Baker, Burton, Culberson, Dillard, Davenport, Dwyer, Ellis, Erath, Flanagan, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Parker, Russell, Shepard, Stirman, Swift, Westfall and Wood—22.

NAYS—Senators Allison, Ball, Bradshaw and Craven—4.

(Senator Parker in the chair.)

On motion of Senator Ireland, the rules were suspended, and House bill No. 610, "An act to detach certain territory therein named, from the county of Guadalupe, and to attach the same to the county of Hays," was taken up and read second time, pending an adverse report from the Judiciary Committee.

Senator Shepard moved to refer the bill to the Committee on County Boundaries. Lost by the following vote:

YEAS—Senators Burton, Hobby, Morris and Shepard—4.

NAYS—Senators Allison, Ball, Baker, Bradshaw, Culberson, Craven, Dillard, Davenport, Dwyer, Ellis, Erath, Flanagan, Friend, Ireland, Joseph, Ledbetter, Parker, Russell, Stirman, Swift, Westfall and Wood—22.

The report of the committee was adopted and bill lost.

Senator Ireland moved to reconsider the vote just taken, and to lay the motion to reconsider on the table.

Senator Shepard moved the Senate stand adjourned until 10 o'clock A. M., to-morrow. Carried by the following vote:

YEAS—Senators Ball, Craven, Dillard, Dwyer, Ellis, Erath, Flanagan, Friend, Joseph, Ledbetter, Morris, Shepard and Stirman—14.

NAYS—Senators Allison, Baker, Bradshaw, Burton, Culberson, Davenport, Ireland, Parker, Russell, Swift, Westfall and Wood—12.

THIRTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, February 19, 1875. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by Rev. Mr. Willenberg, of Austin.

On motion of Senator Wood, the reading of the journal of yesterday was dispensed with.

The following report from the Committee on Engrossed Bills was made on yesterday, and should have appeared on that day's journal :

Hon. John Ireland, President of the Senate :

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 676, "An act for the relief of the scholastic census takers for the years 1871, 1872 and 1873," and find the same correctly engrossed.

JOSEPH, for Committee.

Senator Westfall, Chairman Committee on Education, submitted the following report :

Hon. John Ireland, President of the Senate :

Your Committee on Education, to whom was referred Senate bill No. 637, "An act to incorporate the Brenham College Association," having considered the same, instruct me to report it back to your honorable body, and recommend that it do not pass. W. H. WESTFALL, Chairman.

Senator Joseph, for Committee on Engrossed Bills, submitted the following report :

Hon. John Ireland, President of the Senate :

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 656, "An act to create and provide for the organization of the county of Franklin."